

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 57th LEGISLATURE - REGULAR SESSION JOINT APPROPRIATIONS SUBCOMMITTEE ON CORRECTIONS AND PUBLIC SAFETY

Call to Order: By **CHAIRMAN STANLEY FISHER**, on January 15, 2001
at 8:00 A.M., in Room 317-A Capitol.

ROLL CALL

Members Present:

Rep. Stanley Fisher, Chairman (R)
Sen. Arnie Mohl, Vice Chairman (R)
Rep. Tim Callahan (D)
Sen. Chris Christiaens (D)
Rep. Jeff Pattison (R)
Sen. Debbie Shea (D)
Sen. Tom Zook (R)

Members Excused: None.

Members Absent: None.

Staff Present: Mary LaFond, OBPP
Sandra Whitaker, Committee Secretary
Todd Younkin, Legislative Branch

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: None
Executive Action: Military Affairs Budget

{Tape : 1; Side : A; Approx. Time Counter : 0}

EXECUTIVE ACTION ON MILITARY AFFAIRS BUDGET

MILITARY AFFAIRS PRESENT LAW ADJUSTMENTS

Motion/Vote: SEN. MOHL moved that **BASE LEVEL OF FUNDING PLUS
STATEWIDE PRESENT LAW ADJUSTMENTS (TO INCLUDE DP 699-ADDED
VACANCY SAVINGS, AND DP 698-DECREASE RENT OF STATE BUILDINGS) FOR**

THE DEPARTMENT OF MILITARY AFFAIRS BE ADOPTED. Motion carried 7-0.

Mr. Todd, Younkin, LFD, stated it was possible to make a global motion to cover the entire department and would not need another one until the end of the day's executive action. Another motion could then be made to accept the entire Department of Military Affairs budget as amended. He had no department-wide comments.

Ms. Mary LaFond, OBPP Representative, reserved the right to speak as each program is discussed.

OPERATIONS AND SUPPORT

CHAIRMAN FISHER asked if there were any questions on the Operations Support Program. Being none, the committee moved on executive action. **SEN. ZOOK** stated his understanding was they were dealing with present law adjustments only at this time and new proposals would come later.

Ms. LaFond spoke to DP 101 Operations and Support Administrative Officer being very a important position to the Department. It is currently filled with a modified position and she recommends approving it to a full-time position. It is currently being funded from general funds.

Motion/Vote: **SEN. CHRISTIAENS** moved that **DP 101 BE ADOPTED WITH THE UNDERSTANDING THAT IF THERE IS ADDITIONAL PRESIDENTIAL DECLARATION FUNDING AVAILABLE, IT BE USED. Motion carried 7-0.**

Motion/Vote: **SEN. CHRISTIAENS** moved that **DP 104 COMPUTER COST REDUCTION BE ADOPTED. Motion carried 7-0.**

Motion: **SEN. CHRISTIAENS** moved that **DP 103 OPERATIONS SUPPORT COMPLIANCE SPECIALIST BE ADOPTED.**

Discussion: **SEN. MOHL** asked if that was funded by federal money.

Mr. Younkin replied it was. **SEN. MOHL** stated in the past it could become part of the base if federal funding were removed unless it was stipulated a one time only approval. **Ms. LaFond** stated if the funding is changed, the department has to come back and request a funding switch asking for general funds or state special revenue. **SEN. MOHL** stated he would be more comfortable if it were a one time only approval.

Motion/Vote: **SEN. CHRISTIAENS** moved that **DP 103 OPERATIONS SUPPORT COMPLIANCE SPECIALIST ONE-TIME ONLY BE ADOPTED AS AMENDED. Motion carried 7-0.**

CHAIRMAN FISHER stated DP 105 in the Martz budget increased the federal funding share which is a reduction of to the general fund.

Motion/Vote: **SEN. CHRISTIAENS** moved that **DP 105 INCREASE FEDERAL FUNDING SHARE BE ADOPTED. Motion carried 7-0.**

CHALLENGE PROGRAM

Motion: **SEN. ZOOK** moved that **DP 105 CHALLENGE PROGRAM BE ADOPTED.**

Discussion: **Mr. Younkin** clarified the vacancy savings were all laid into general fund. If approved per the Martz budget including the vacancy savings there is a chance the total reduction would be \$11,500. If the intent is to fund the proposal with the vacancy savings added in, he recommends the motion be made the vacancy savings include the 60-40 federal and state ratio. **SEN. ZOOK** stated he would include that in his motion and also felt it should be a one time only. He continued it would be good to re-evaluate the program once again with more results available. If it is still producing such good results, it might be possible to find money from other programs not doing so well.

CHAIRMAN FISHER pointed out to the committee the original federal-state funding split was 75-25 and now has been decreased/increased to 60-40 which means the committee would be increasing the general fund expenditure by 15%. He also stated due to an under estimate by the budget office, \$200,000 had been borrowed from the Department of Labor & Industry to keep it going which means a substantial increase to the general fund. He asked **General Prendergast** if in the future the classes will grow to the required 100 graduates per class. **General Prendergast** responded their goal is to graduate 100 and they have 140 youth ready to go for Class IV. They should be able to graduate at least 100 of those cadets.

CHAIRMAN FISHER also asked how much revenue this generates for Western Montana College. **Mr. Royer** replied they have a contract with WMC for room and board which contributes about \$590,000 per year to the College.

SEN. SHEA asked for clarification of the 15% discretionary money. That money was given and not borrowed from labor and industries.

SEN. ZOOK pointed out he would not like to see only numbers considered in accepting applicants and graduating cadets. He

would not like to see the quality of the program be sacrificed for quantity.

SEN. CHRISTIAENS was concerned about the Governor's discretionary money being used to supplement the program. He would like it to be clear the money used for the state match be general fund only and Governor's discretionary money no longer be used for this type of expenditure. It should be made clear money cannot be moved from another department.

Mr. Younkin stated the proposal as written would contain only general fund monies. He did not believe language could be put into the motion stipulating work force investment act funding could not be used. However, the comments by **SEN. CHRISTIAENS** are now part of the minutes which indicates legislative intent. This would be recognized by the budget office and by his office if any budget change requests for additional funding were received.

Ms. LaFond clarified what had been referred to as a loan of \$200,000 from the department of labor was in actuality a grant.

Motion/Vote: **SEN. ZOOK** moved that **DP 201 CHALLENGE PROGRAM WITH THE VACANCY SAVINGS 60-40 FEDERAL-STATE RATIO AND A ONE TIME ONLY EXPENDITURE BE ADOPTED AS AMENDED. Motion carried 7-0.**

NATIONAL GUARD INCENTIVE SCHOLARSHIP PROGRAM

CHAIRMAN FISHER stated the request for the scholarship program is \$100,000 more than was in the budget as it started last year. This is a new proposal since in the 1999 session it was a one time only. The Martz budget removed \$50,000 from the \$350,000 requested.

SEN. CHRISTIAENS asked if any decision had been received on using the scholarship in secular schools versus the public university system since it appears the scholarships are awarded to the student. He was especially concerned about the three schools in Montana to be affected--University of Great Falls, Carroll College, and Rocky Mountain College. Since there are about 1000 guardsmen each in Helena and Great Falls, it could have quite an impact on those individuals. **Colonel McCabe** stated they are pursuing the Attorney General's office for clarification; however, the awards are made to the soldier and not to the school of intent and he feels the it will be supported in the Attorney General's opinion. **SEN. CHRISTIAENS** asked if the Committee could seek the Attorney General's opinion quickly. He stated before the House Appropriations considers this bill, he would like it to be decided.

SEN. MOHL suggested making the motion for \$250,000 and when it is explained better, the amount could be increased.

Motion: **SEN. MOHL** moved that **DP 301 NATIONAL GUARD INCENTIVE SCHOLARSHIP FOR \$250,000 ONE TIME ONLY FOR THE BIENNIUM BE ADOPTED.**

Discussion: **SEN. SHEA** asked how that would be divided in the biennium. **Mr. Younkin** stated it would need to be recommended the appropriation be for the biennium.

{Tape : 1; Side : B; Approx. Time Counter : 0}

Substitute Motion/Vote: **SEN. CHRISTIAENS** made a substitute motion that **DP 301 NATIONAL GUARD INCENTIVE SCHOLARSHIP IN THE AMOUNT OF \$300,000 AS RECOMMENDED IN THE MARTZ BUDGET AS A ONE TIME ONLY BE ADOPTED.** Substitute motion failed 3-4 with Callahan, Christiaens, and Shea voting aye. This was a roll call vote.

Motion/Vote: **SEN. MOHL** moved that **DP 301 NATIONAL GUARD INCENTIVE SCHOLARSHIP FOR \$250,000 ONE TIME ONLY FOR THE BIENNIUM BE ADOPTED.** Motion carried 4-3 with Callahan, Christiaens, and Shea voting no.

SEN. CHRISTIAENS suggested the vote be reversed as was on the substitute motion. It was recorded as such on a roll call vote form.

MONTANA ARMY NATIONAL GUARD PROGRAM

Motion/Vote: **SEN. CHRISTIAENS** moved that **DP 27 ARMY RENT AND DEBT SERVICE REDUCTION BE ADOPTED.** Motion carried 7-0.

Motion: **SEN. CHRISTIAENS** moved that **DP 1201 IN ITS ENTIRETY BE ADOPTED.**

Discussion: Mr. Younkin reminded the committee of the LFD issue on item 4 requesting equipment. The base funding does include \$36,300 and he would recommend the committee not include the base funding for one time only items. Proposal 4 should reflect a decrease of \$36,300 each year of the biennium.

Substitute Motion/Vote: **SEN. MOHL** made a substitute motion that **DP 1201, ITEM 1, 2, AND 3 BE ADOPTED.** Substitute motion carried 7-0.

Motion: SEN. CHRISTIAENS moved that **DP 1201, ITEM 4 WITH THE REDUCTION OF \$36,300 BE ADOPTED.**

Discussion: Mr. Younkin stated instead of an increase of \$15,000 in 2002 and \$32,000 in 2003, it would result in a \$21,300 decrease in 2002 and \$4,300 decrease in 2003 leaving the department with the \$15,000 in 2002 and \$32,000 in 2003 for the equipment. He recommended the committee approve that.

Motion/Vote: SEN. CHRISTIAENS moved that **DP 1201, ITEM 4, WITH THE REDUCTION OF \$36,000 BE ADOPTED. Motion carried 7-0.**

Motion: SEN. CHRISTIAENS moved that **DP 1202 SCHEDULED PAINT PROJECTS AT ARMORIES BE ADOPTED.**

Discussion: CHAIRMAN FISHER stated the Martz budget removed \$88,940 in each year 2002 and 2003 leaving a net of \$51,760. **SEN. CHRISTIAENS** stated his motion was for the Racicot budget amount of \$140,700. He supports the Guard in their maintenance programs.

Substitute Motion: SEN. MOHL made a substitute motion that **DP 1202 AS THE MARTZ BUDGET RECOMMENDS AT \$51,760 BE ADOPTED.**

Discussion: He stated he felt some of the painting could be done in house with the guardsmen rather than to contract out all the labor thus creating the savings recommended by the Martz budget.

Substitute Motion/Vote: SEN. MOHL made a substitute motion that **DP 1202 AS THE MARTZ BUDGET REDUCED TO \$51,760 BE ADOPTED. Substitute motion carried 7-0.** This was a roll call vote.

Motion/Vote: SEN. ZOOK moved that **DP 1203 ARMY COMPUTER PLAN REDUCTION BE ADOPTED. Motion carried 7-0.**

Motion/Vote: SEN. CHRISTIAENS moved that **DP 1224 OUT OF STATE TRAVEL REDUCTION BE ADOPTED. Motion carried 7-0.**

CHAIRMAN FISHER asked **Mr. Younkin** to explain DP 28 a new proposal for distance learning. **Mr. Younkin** stated the proposal as requested by the agency is not asking to approve the actual distance learning program. It is to add on state special revenue authority to allow the Guard to open it up to users outside of the agency. The Racicot and Martz proposals both ask for \$2,500 each year of the biennium. The agency has asked that those amounts be moved to \$98,400 in 2002 and 196,800 in 2003.

Ms. LaFond stated the Martz administration supports the increase. The \$2500 was a place holder at the time.

Motion/Vote: SEN. CHRISTIAENS moved that DP 28 DISTANCE LEARNING WITH \$98,400 IN FISCAL 2002 AND \$196,800 IN FISCAL 2003 BE ADOPTED. Motion carried 7-0.

MONTANA AIR NATIONAL GUARD

Motion/Vote: SEN. CHRISTIAENS moved that DP 1301 FIRE FIGHTER OVERTIME AND HOLIDAY PAY AND DP 1302 SECURITY CONTRACT INCREASE BE ADOPTED. Motion carried 7-0.

DISASTER COORDINATION RESPONSE

Motion: SEN. CHRISTIAENS moved that DP 2101 FEDERAL SPENDING ADJUSTMENT AND DP 2102 ANNUALIZE FUNDING BE ADOPTED.

Discussion: SEN. MOHL asked for clarification of DP 2102 as to whether it was general fund. **Mr. Younkin** stated this adjustment comes due to the fact that in the last biennium, the federal government moved to a 50-50 cost share; however, that did not happen until October 1, 2002. This is an increase in general funds to make a funding switch to accommodate the 9-month period of time involved rather than a full year.

Motion/Vote: SEN. CHRISTIAENS moved that DP 2101 FEDERAL SPENDING ADJUSTMENT AND DP 2102 ANNUALIZE FUNDING BE ADOPTED. Motion carried 7-0.

Motion/Vote: SEN. CHRISTIAENS moved that DP 2103 DES ELIMINATE BENEFITS AND CLAIMS FUNDING AND DP 2104 OUT OF STATE TRAVEL REDUCTION BE ADOPTED. Motion carried 7-0.

Motion/Vote: SEN. CHRISTIAENS moved that DP 2106 DES INCREASE FEDERAL PASS THROUGH TO COUNTIES BE ADOPTED. Motion carried 7-0.

Motion: SEN. ZOOK moved that DP 2107 SERVER REPLACEMENT ONE TIME ONLY BE ADOPTED.

Discussion: **Mr. Younkin** stated the intent of this was a one time only purchase with a split between general and federal funds. **Mr. Green** stated at the time of the replacement, it will be five years old.

Motion/Vote: SEN. ZOOK moved that DP 2107 SERVER REPLACEMENT ONE TIME ONLY BE ADOPTED. Motion carried 7-0.

Motion/Vote: SEN. CHRISTIAENS moved that DP 2108 DES CHANGE FROM MOTOR POOL LEASE PROGRAM BE ADOPTED. Motion carried 7-0.

Motion/Vote: SEN. CHRISTIAENS moved that DP 2105 DES TERRORISM/WEAPONS OF MASS DESTRUCTION WITH INSERTED LANGUAGE OF "TO ELIMINATE THE FTE AND DIVISION LEVEL PROGRAM AT SUCH TIME AS FEDERAL FUNDING IS TERMINATED." BE ADOPTED. Motion carried 6-1 with Pattison voting no.

VETERANS AFFAIRS PROGRAM

CHAIRMAN FISHER pointed out the Martz budget has a new item DP 3105 and asked for clarification on that.

Ms. LaFond stated this is a funding switch to correct an error. **Mr. Younkin** stated if the subcommittee approved the proposal as contained in the Martz budget, it would solely be a decrease in general fund with no increase in state special revenue; however, if the desire is to implement just a funding switch, the motion could be to approve the Martz new proposal DP 3105 to include an increase in state special revenue of \$12,173 in fiscal 2002 and \$12,276 in fiscal 2003 to implement the funding switch.

Motion/Vote: SEN. CHRISTIAENS moved that DP 3105, AN INCREASE IN STATE SPECIAL REVENUE OF \$12,173 IN FISCAL 2002 AND \$12,276 IN FISCAL 2003 TO IMPLEMENT A FUNDING SWITCH BE ADOPTED. Motion carried 7-0.

Motion: SEN. CHRISTIAENS moved that DP 3101 VA INCREASE PART TIME FTE TO FULL TIME BE ADOPTED.

Discussion: SEN. MOHL asked if that was charged against the general fund. **CHAIRMAN FISHER** replied it would be general fund money. **REP. PATTISON** asked if it could be contract services rather than a .20 increase in FTE. **SEN. ZOOK** replied in the past with a shortfall, it was decreased to .80 FTE and this would bring it back to the full FTE as it was. **REP. PATTISON** asked if money would be saved in benefits and payroll expense to contract it out. **Mr. Jacobson** stated the positions are rather technical requiring a great deal of knowledge to deal with veterans and their benefits. This is adding a few more hours a week to a position currently in place at .80. **SEN. ZOOK** asked the total cost of the position with benefits. **Mr. Jacobson** responded about \$25,000 a year and it is 100% general fund. This will become part of the base budget in the future.

Motion/Vote: SEN. CHRISTIAENS moved that DP 3101 VA INCREASE PART TIME FTE TO FULL TIME BE ADOPTED. Motion carried 6-1 with Pattison voting no.

Motion: SEN. CHRISTIAENS moved that DP 3102 MONTANA STATE VETERANS' CEMETERY AND DP 3103 EASTERN MONTANA VETERANS' CEMETERY BE ADOPTED.

Discussion: CHAIRMAN FISHER stated those are state special funds. SEN. ZOOK sees the Eastern Montana Cemetery every day and asked about it not being open yet. Mr. Jacobson stated they project it will open in July, 2001.

Motion/Vote: SEN. CHRISTIAENS moved that DP 3102 MONTANA STATE VETERANS' CEMETERY AND DP 3103 EASTERN MONTANA VETERANS' CEMETERY BE ADOPTED. Motion carried 7-0.

{Tape : 2; Side : A; Approx. Time Counter : 0}

Motion/Vote: SEN. CHRISTIAENS moved that DP 3104 VETERANS AFFAIRS REPLACEMENT COMPUTERS WITH \$4000 OF FISCAL 2002 ONE TIME ONLY BE ADOPTED. Motion carried 7-0.

Motion/Vote: SEN. CHRISTIAENS moved that the MILITARY AFFAIRS BUDGET BE ADOPTED AS AMENDED. Motion carried 7-0.

SEN. CHRISTIAENS asked the committee to seek the opinion of the Attorney General regarding the Scholarship Program awards. It needs to be ruled on if the award goes to the student or to the school. CHAIRMAN FISHER stated he would follow up on that issue.

In closing CHAIRMAN FISHER stated the Guard has always served the state very well and feels the funds approved are well spent. The Guard has stated this past year with the fires, they had done something extra special. CHAIRMAN FISHER agreed it was special but for the Guard that is normal.

General Prendergast thanked the committee.

CHAIRMAN FISHER reminded the committee of the schedule for the next three days.

January 15, 2001

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ADJOURNMENT

Adjournment: 9:40 A.M.

REP. STANLEY FISHER, Chairman

SANDRA WHITAKER, Secretary

SF/SW

EXHIBIT (jch11aad)